

ESTTA Tracking number: **ESTTA406579**

Filing date: **05/02/2011**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Notice of Opposition

Notice is hereby given that the following party opposes registration of the indicated application.

Opposer Information

Name	Penguin Books Limited
Granted to Date of previous extension	05/01/2011
Address	80 Strand London, WC2R 0RL UNITED KINGDOM
Attorney information	Ronald S. Kadden von Maltitz Derenberg Kunin Janssen & Giordano 60 East 42nd Street, Suite 2446 New York, NY 10165 UNITED STATES rkadden@vonmaltitz.com Phone:212-661-1400

Applicant Information

Application No	85062344	Publication date	11/02/2010
Opposition Filing Date	05/02/2011	Opposition Period Ends	05/01/2011
Applicant	Swartz Enterprises, Inc. 13106 Royal George Avenue Odessa, FL 33556 UNITED STATES		

Goods/Services Affected by Opposition

Class 009. All goods and services in the class are opposed, namely: Children's educational software
--

Grounds for Opposition


Priority and likelihood of confusion	Trademark Act section 2(d)
Dilution	Trademark Act section 43(c)

Marks Cited by Opposer as Basis for Opposition


U.S. Registration No.	561636	Application Date	09/27/1951
Registration Date	07/15/1952	Foreign Priority Date	NONE
Word Mark	PENGUIN		


Design Mark	PENGUIN
Description of Mark	NONE
Goods/Services	Class U038 (International Class 016). First use: First Use: 1940/00/00 First Use In Commerce: 1940/00/00 BOOKS


U.S. Registration No.	1448207	Application Date	03/06/1986
Registration Date	07/21/1987	Foreign Priority Date	NONE
Word Mark	PENGUIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	Class 009. First use: First Use: 1984/03/12 First Use In Commerce: 1984/03/12 PRE-RECORDED COMPUTER PROGRAMS		

U.S. Registration No.	3891389	Application Date	02/16/2010
Registration Date	12/14/2010	Foreign Priority Date	NONE
Word Mark	PENGUIN CORE		
Design Mark			
Description of Mark	The mark consists of the designation "PENGUIN CORE" displayed in gray letters except for the letter "O", which is displayed in varying shades of orange, and the representation of a black and white penguin within an orange oval shield with a black border displayed in the center of the letter "O" in the term "CORE".		
Goods/Services	Class 009. First use: First Use: 2010/04/30 First Use In Commerce: 2010/04/30 Downloadable software for use in editing book manuscripts		


U.S. Registration No.	2656258	Application Date	11/02/2001
Registration Date	12/03/2002	Foreign Priority	NONE


		Date	
Word Mark	PENGUIN		
Design Mark			
Description of Mark	NONE		
Goods/Services	<p>Class 035. First use: First Use: 1956/00/00 First Use In Commerce: 1956/00/00 Mail, telephone, and online ordering services featuring books in printed and digital format, audiobooks, [pre-recorded music, and pre-recorded audiovisual works;] providing information pertaining to applicant's business via a global computer network</p> <p>Class 038. First use: First Use: 1998/05/00 First Use In Commerce: 1998/05/00 ((PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING BOOKS, AUDIOBOOKS, AUTHORS, FILMS, TELEVISION PROGRAMS, AND PUBLISHING))</p> <p>Class 041. First use: First Use: 1940/00/00 First Use In Commerce: 1940/00/00 Providing information via a global computer network pertaining to educational curriculum programs and materials, [films, television programs,] instructional activities, and publishing; providing [online games and] contests; publishing services, namely, publication of books in tangible print and digital copies and through electronic delivery; publication of audiobooks, [pre-recorded music, and pre-recorded audiovisual works]</p> <p>Class 042. First use: First Use: 1995/00/00 First Use In Commerce: 1995/00/00 PROVIDING INFORMATION VIA A GLOBAL COMPUTER NETWORK PERTAINING TO BOOKS IN PRINTED AND DIGITAL FORMAT, AUDIOBOOKS, AUTHORS, [MUSIC, PRE-RECORDED AUDIOVISUAL WORKS, MAGAZINES, AND COMPUTER SOFTWARE]</p>		
U.S. Registration No.	557412	Application Date	06/11/1951
Registration Date	04/08/1952	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	Class U038 (International Class 016). First use: First Use: 1940/00/00 First Use In Commerce: 1940/00/00 BOOKS

U.S. Registration No.	2666054	Application Date	11/02/2001
Registration Date	12/24/2002	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of Mark	The mark consists of a penguin, colored black and white, displayed within an orange oval.		
Goods/Services	Class 016. First use: First Use: 1956/00/00 First Use In Commerce: 1956/00/00 HOUSE MARK FOR A FULL LINE OF FICTION AND NONFICTION BOOKS COVERING A VARIETY OF SUBJECTS		

U.S. Registration No.	2690236	Application Date	11/02/2001
Registration Date	02/25/2003	Foreign Priority Date	NONE
Word Mark	NONE		

Design Mark	
Description of Mark	NONE
Goods/Services	<p>Class 035. First use: First Use: 1956/00/00 First Use In Commerce: 1956/00/00 Mail, telephone, and online ordering services featuring books in printed and digital format, audiobooks, pre-recorded music, and pre-recorded audiovisual works; providing information pertaining to applicant's business via a global computer network</p> <p>Class 038. First use: First Use: 1998/05/00 First Use In Commerce: 1998/05/00 PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING BOOKS, AUDIOBOOKS, AUTHORS, FILMS, TELEVISION PROGRAMS, AND PUBLISHING</p> <p>Class 041. First use: First Use: 1940/00/00 First Use In Commerce: 1940/00/00 Providing information via a global computer network pertaining to educational curriculum programs and materials, films, television programs, instructional activities, and publishing; providing online games and contests; providing information via a global computer network pertaining to books in printed and digital format, audiobooks, authors, music, pre-recorded audiovisual works and magazines; publishing services, namely, publication of books in tangible print and digital copies and through electronic delivery; publication [and] * of * audiobooks, pre-recorded music, and pre-recorded audiovisual works</p> <p>Class 042. First use: First Use: 1995/00/00 First Use In Commerce: 1995/00/00 providing information via * a * global computer [networks] * network * pertaining to computer software</p>

U.S. Registration No.	2034691	Application Date	09/13/1993
Registration Date	02/04/1997	Foreign Priority Date	NONE
Word Mark	NONE		
Design Mark			
Description of	NONE		

Mark	
Goods/Services	<p>Class 009. First use: audio [and video] tapes, [phonographic records, compact, audio and video discs and motion picture films] featuring music, dramatic works, books read aloud, poems, stories, novels, literary works, films, documentaries or television programs; books encoded in film/fiche form; audio [and video] recordings featuring music, spoken word, animation or dramatic works, pre-recorded audio [and video] cassettes and cartridges featuring music, dramatic works, books read aloud, poems, stories, novels, literary works, films, documentaries or television programs; computer software for instructional and educational purposes, [for animated interactive multimedia stories, for] studying, [for time-scheduling,] for screen savers, for reading text-on-screen, for electronic books [and computer utility software]</p> <p>Class 028. First use: [computer programs for games and for entertainment]</p>

Attachments	71619310#TMSN.gif (1 page)(bytes) 77936257#TMSN.jpeg (1 page)(bytes) 76333015#TMSN.gif (1 page)(bytes) 71615020#TMSN.gif (1 page)(bytes) 76333017#TMSN.jpeg (1 page)(bytes) 76333016#TMSN.jpeg (1 page)(bytes) 74435477#TMSN.jpeg (1 page)(bytes) PurplePenguinOpposition.pdf (15 pages)(7309401 bytes)
-------------	---

Certificate of Service

The undersigned hereby certifies that a copy of this paper has been served upon all parties, at their address record by First Class Mail on this date.

Signature	/Ronald S. Kadden/
Name	Ronald S. Kadden
Date	05/02/2011

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

In the Matter of Application Serial No. 85/062,344

Published in the OFFICIAL GAZETTE on November 2, 2010

- - - - - x

PENGUIN BOOKS LIMITED,	:	
	:	
Opposer,	:	
	:	
v.	:	Opposition No.
	:	
SWARTZ ENTERPRISES, INC.	:	
	:	
Applicant.	:	

- - - - - x

NOTICE OF OPPOSITION

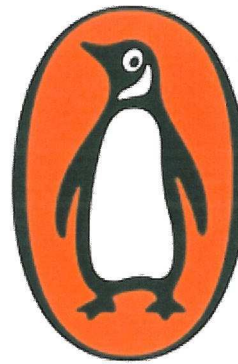
PENGUIN BOOKS LIMITED, a company organized and existing under the laws of England, located and doing business at 80 Strand, London WC2R 0RL, England, believes it will be damaged by registration of the mark shown in Application Serial No. 85/062,344, and hereby opposes the same, having received an extension of time to oppose said application until May 1, 2011.

Opposer brings this opposition, pursuant to Section 13(a) of the Trademark Act of 1946, as amended, based on likelihood of confusion (Section 2(d)) and dilution (Section 43(c)). The grounds of this opposition are as follows:

1. On June 17, 2010, Applicant filed intent-to-use application Serial No. 85/062,344 ("the Opposed Application"), to register the mark PurplePenguin ("the Opposed Mark") for "children's educational software," in International Class 9 ("the Opposed Goods").

2. Opposer is the owner of the famous mark and trade name PENGUIN in the United States in respect of print and digital books, other works of entertainment and education, software, and related services. Continuously, for several decades, and since long prior to the filing date of the Opposed Application and prior to the first use, if any, of the Opposed Mark, large quantities of the aforesaid books, works of education and entertainment, and related services have been marketed throughout the country identified and distinguished by Opposer's mark PENGUIN and in connection with Opposer's PENGUIN trade name. These include print and ebooks about education and software.

3. In addition, Opposer is the owner of the famous "Representation of Penguin" mark, shown below



for print and digital books, other works of entertainment and education, software for educational purposes, and related services. Continuously for decades and since long prior to the filing date of the Opposed Application and prior to the first use, if any, of the Opposed Mark, large quantities of the aforesaid books, works of education and entertainment, and related services have been marketed throughout the country under Opposer's said "Representation of Penguin" mark.

4. Opposer is the owner of the following registrations, among others, issued by the United States Patent and Trademark Office, which are valid, subsisting, uncanceled and unrevoked, and is the owner of the marks covered thereby and of the good will of Opposer's business connected with and symbolized by the said marks:

PENGUIN	No. 561,636 of July 15, 1952 for books;
PENGUIN	No. 1,448,207 of July 21, 1987 for pre-recorded computer programs;
PENGUIN CORE & Design	No. 3,891,389 of December 14, 2010 for downloadable software for use in editing book manuscripts;
PENGUIN	No. 2,656,258 of December 3, 2002 for diverse services in Classes 35, 41 and 42, including publishing of books in digital copies and other services relating to information, entertainment, education and publishing;

Representation
of a Penguin

No. 557,412 of April 8, 1952 for books;

Representation
of a Penguin
within an oval

No. 2,666,054 of December 24, 2002 for house
mark for a full line of fiction and nonfiction
books covering a variety of subjects;

Representation
of a Penguin

No. 2,690,236 of February 25, 2003 for diverse
services in Classes 35, 38, 41 and 42,
including publishing of books in digital
copies and other services relating to
entertainment, education, and information,
including information pertaining to computer
software.

Representation
of a Penguin

No. 2,034,691 of February 4, 1997 for goods
including computer software for instructional
and educational purposes;

Copies of these registrations are attached hereto as Exhibits A
through H.

5. By reason of the long continued and extensive sale of
books and other works of education and entertainment, and the
furnishing of related services, all identified and distinguished by
Opposer's said PENGUIN mark and trade name, and "Representation of
Penguin" mark, and due to the excellent quality of the said
merchandise and services, a very valuable good will has been built
up in Opposer's said marks and trade name and an enviable
reputation has been established for the goods and services sold and
provided under and in connection with those marks and trade name.
The PENGUIN mark and trade name, and "Representation of Penguin"

mark, are among the best known marks and trade names in American publishing.

6. The Opposed Mark so closely resembles Opposer's PENGUIN mark and trade name, and Opposer's "Representation of Penguin" mark, as to be likely, when applied to the Opposed Goods, to cause confusion, or to cause mistake or to deceive.

7. Since long prior to the filing date of the Opposed Application and prior to the first use, if any, of the Opposed Mark, Opposer's PENGUIN mark and trade name, and Opposer's "Representation of Penguin" mark, have been famous and distinctive, and are widely recognized by the general consuming public of the United States as designations of source of Opposer's goods and services.

8. The Opposed Mark, when used for the Opposed Goods, is likely to cause dilution of the distinctive quality of Opposer's PENGUIN mark and trade name, and Opposer's "Representation of Penguin" mark.


9. All the acts complained of herein by Opposer have occurred without its consent.

10. Opposer cannot control the quality of the Opposed Goods. The use of the Opposed Mark would therefore place in jeopardy Opposer's reputation symbolized by its invaluable and its PENGUIN mark and trade name and "Representation of Penguin" mark.

11. If Applicant were granted registration of the Opposed Mark, it would obtain the prima facie right to use such mark for the Opposed Goods. Such registration would be a source of damage and injury to Opposer.

WHEREFORE, Opposer prays that application Serial No. 85/062,344 be refused and that this Opposition be sustained.

VON MALTITZ, DERENBERG, KUNIN,
JANSSEN & GIORDANO


By 

Ronald S. Kadden
A Member of the Firm
60 East 42nd Street
New York, NY 10165
Telephone: 212-661-1400
Attorneys for Opposer

May 1, 2011

CERTIFICATE OF SERVICE

A copy of the foregoing Notice of Opposition is being forwarded by First Class Mail this 2nd day of May, 2011 to Applicant, Swartz Enterprises, Inc., 13106 Royal George Avenue, Odessa, Florida 33556.



for von Maltitz, Derenberg,
Kunin, Janssen & Giordano



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Apr 29 04:05:46 EDT 2011

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

PENGUIN

Word Mark	PENGUIN
Goods and Services	IC 016. US 038. G & S: BOOKS. FIRST USE: 19400000. FIRST USE IN COMMERCE: 19400000
Mark Drawing Code	(5) WORDS, LETTERS, AND/OR NUMBERS IN STYLIZED FORM
Serial Number	71619310
Filing Date	September 27, 1951
Current Filing Basis	1A
Original Filing Basis	1A
Registration Number	0561636
Registration Date	July 15, 1952
Owner	(REGISTRANT) PENGUIN BOOKS, INC. CORPORATION MARYLAND 3300 CLIPPER MILL ROAD BALTIMORE MARYLAND (LAST LISTED OWNER) PENGUIN BOOKS LIMITED COMPANY ASSIGNEE OF UNITED KINGDOM 80 STRAND LONDON UNITED KINGDOM WC2R0R1
Assignment Recorded	ASSIGNMENT RECORDED
Attorney of Record	RONALD E SHAPIRO
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 15. SECTION 8(10-YR) 20030308.
Renewal	3RD RENEWAL 20030308
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Apr 29 04:05:46 EDT 2011

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)[Logout](#) Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark	PENGUIN
Goods and Services	IC 009, US 038. G & S: PRE-RECORDED COMPUTER PROGRAMS. FIRST USE: 19840312. FIRST USE IN COMMERCE: 19840312
Mark Drawing Code	(1) TYPED DRAWING
Serial Number	73586327
Filing Date	March 6, 1986
Current Filing Basis	1A;44E
Original Filing Basis	1A;44E
Published for Opposition	April 28, 1987
Registration Number	1448207
Registration Date	July 21, 1987
Owner	(REGISTRANT) PENGUIN BOOKS, LIMITED COMPANY UNITED KINGDOM BATH ROAD HARMONDSWORTH MIDDLESEX ENGLAND UB7 0DA
Attorney of Record	ARNE M. OLSON
Prior Registrations	0561636
Type of Mark	TRADEMARK
Register	PRINCIPAL
Affidavit Text	SECT 8 (6-YR).
Live/Dead Indicator	LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) | [Site Index](#) | [Search](#) | [FAQ](#) | [Glossary](#) | [Guides](#) | [Contacts](#) | [eBusiness](#) | [eBiz alerts](#) | [News](#) | [Help](#)
[Trademarks](#) > [Trademark Electronic Search System \(TESS\)](#)

TESS was last updated on Fri Apr 29 04:05:46 EDT 2011

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [BOTTOM](#) | [HELP](#)
[Logout](#) Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TARR Status](#) | [ASSIGN Status](#) | [TDR](#) | [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)


Word Mark PENGUIN CORE

Goods and Services IC 009. US 021 023 026 036 038. G & S: Downloadable software for use in editing book manuscripts. FIRST USE: 20100430. FIRST USE IN COMMERCE: 20100430

Mark Drawing Code (3) DESIGN PLUS WORDS, LETTERS, AND/OR NUMBERS

Design Search Code 03.15.15 - Penguins; Puffins
26.01.21 - Circles that are totally or partially shaded.
26.03.01 - Ovals as carriers and single line borders

Trademark Search Facility ANI-BIRDS Accurate depiction of Birds
SHAPES-CIRCLE Circle figures or designs including semi-circles and incomplete circles

Classification Code SHAPES-COLORS-3-OR-MORE Design listing or lined for three or more colors
SHAPES-HERALDRY Marks with shields, crests, emblems, insignias, and crowns
SHAPES-OVALS Oval figures or designs including incomplete ovals and one or more ovals

Serial Number 77936257

Filing Date February 16, 2010

Current Filing Basis 1A

Original Filing Basis 1B

Published for Opposition July 6, 2010

Registration Number 3891389

Registration Date December 14, 2010

Owner (REGISTRANT) Penguin Books Limited CORPORATION UNITED KINGDOM 80 Strand London WC2R 0RL UNITED KINGDOM

Attorney of Record Ronald S. Kadden

Prior Registrations 2016643;2656258;2666054;AND OTHERS

Description of Mark The color(s) gray, orange, black and white is/are claimed as a feature of the mark. The mark consists of the designation "PENGUIN CORE" displayed in gray letters except for the letter "O", which is displayed in varying shades of orange, and the representation of a black and white penguin within an orange oval shield with a black border displayed in the center of the letter "O" in the term "CORE".

Type of Mark TRADEMARK

Register PRINCIPAL

Live/Dead Indicator LIVE

[TESS HOME](#) | [NEW USER](#) | [STRUCTURED](#) | [FREE FORM](#) | [BROWSE DICT](#) | [SEARCH OG](#) | [TOP](#) | [HELP](#)
[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Apr 29 04:05:46 EDT 2011

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)
[Logout](#) Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)

Typed Drawing

Word Mark PENGUIN

Goods and Services IC 035. US 100 101 102. G & S: Mail, telephone, and online ordering services featuring books in printed and digital format, audiobooks, [pre-recorded music, and pre-recorded audiovisual works;] providing information pertaining to applicant's business via a global computer network. FIRST USE: 19560000. FIRST USE IN COMMERCE: 19560000

IC 038. US 100 101 104. G & S: ((PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING BOOKS, AUDIOBOOKS, AUTHORS, FILMS, TELEVISION PROGRAMS, AND PUBLISHING)). FIRST USE: 19980500. FIRST USE IN COMMERCE: 19980500

IC 041. US 100 101 107. G & S: Providing information via a global computer network pertaining to educational curriculum programs and materials, [films, television programs,] instructional activities, and publishing; providing [online games and] contests; publishing services, namely, publication of books in tangible print and digital copies and through electronic delivery; publication of audiobooks, [pre-recorded music, and pre-recorded audiovisual works]. FIRST USE: 19400000. FIRST USE IN COMMERCE: 19400000

IC 042. US 100 101. G & S: PROVIDING INFORMATION VIA A GLOBAL COMPUTER NETWORK PERTAINING TO BOOKS IN PRINTED AND DIGITAL FORMAT, AUDIOBOOKS, AUTHORS, [MUSIC, PRE-RECORDED AUDIOVISUAL WORKS, MAGAZINES, AND COMPUTER SOFTWARE]. FIRST USE: 19950000. FIRST USE IN COMMERCE: 19950000

Mark Drawing Code (1) TYPED DRAWING

Serial Number 76333015

Filing Date November 2, 2001

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition September 10, 2002

Registration Number 2656258

Registration Date December 3, 2002

Owner (REGISTRANT) PENGUIN BOOKS LIMITED CORPORATION UNITED KINGDOM 80 Strand London UNITED KINGDOM WC2R0RL

Attorney of Record Ronald S. Kadden

Prior Registrations 0561636;2016643;AND OTHERS

Type of Mark SERVICE MARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)

HOME | SITE INDEX | SEARCH | eBUSINESS | USER | PRIVACY POLICY


United States Patent and Trademark Office
[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)
Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Apr 29 04:05:46 EDT 2011

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)
[Logout](#) Please logout when you are done to release system resources allocated for you.

Record 1 out of 1
[TARR Status](#)
[ASSIGN Status](#)
[TDR](#)
[TTAB Status](#)

(Use the "Back" button of the Internet Browser to return to

TESS)


Goods and Services

IC 016. US 038. G & S: BOOKS. FIRST USE: 19400000. FIRST USE IN COMMERCE: 19400000

Mark Drawing Code (2) DESIGN ONLY

Design Search Code

03.15.15 - Penguins; Puffins

Serial Number

71615020

Filing Date

June 11, 1951

Current Filing Basis

1A

Original Filing Basis

1A

Registration Number

0557412

Registration Date

April 8, 1952

Owner

 (REGISTRANT) PENGUIN BOOKS, INC. CORPORATION MARYLAND 3300 CLIPPER MILL ROAD BALTIMORE MARYLAND
 (LAST LISTED OWNER) PENGUIN BOOKS LIMITED COMPANY BY ASSIGNMENT, BY ASSIGNMENT ENGLAND 80 STRAND LONDON ENGLAND WC2R ORL

Assignment Recorded

ASSIGNMENT RECORDED

Type of Mark

TRADEMARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECTION 8(10-YR) 20020822.

Renewal

3RD RENEWAL 20020822

Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)
[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)
[Trademarks](#) > **Trademark Electronic Search System (TESS)**

TESS was last updated on Fri Apr 29 04:05:46 EDT 2011

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE/ DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)
[Logout](#) Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TARR Status](#) [ASSIGN Status](#) [TDR](#) [TTAB Status](#) (Use the "Back" button of the Internet Browser to return to TESS)


Goods and Services IC 016, US 002 005 022 023 029 037 038 050. G & S: HOUSE MARK FOR A FULL LINE OF FICTION AND NONFICTION BOOKS COVERING A VARIETY OF SUBJECTS. FIRST USE: 19560000. USED IN ANOTHER FORM The mark was first used anywhere in a different form other than that sought to be registered on 00/00/1940. FIRST USE IN COMMERCE: 19560000

Mark Drawing Code (2) DESIGN ONLY

Design Search Code 03.15.15 - Penguins; Puffins
26.03.17 - Concentric ovals; Concentric ovals and ovals within ovals; Ovals within ovals; Ovals, concentric
26.03.21 - Ovals that are completely or partially shaded

Serial Number 76333017

Filing Date November 2, 2001

Current Filing Basis 1A

Original Filing Basis 1A

Published for Opposition October 1, 2002

Change In Registration CHANGE IN REGISTRATION HAS OCCURRED

Registration Number 2666054

Registration Date December 24, 2002

Owner (REGISTRANT) PENGUIN BOOKS LIMITED CORPORATION UNITED KINGDOM 80 Strand London UNITED KINGDOM WC2R0RL

Attorney of Record Ronald E. Shapiro

Prior Registrations 0557412;2034691;AND OTHERS

Description of Mark The mark consists of a penguin, colored black and white, displayed within an orange oval. Color is claimed as a feature of the mark.

Type of Mark TRADEMARK

Register PRINCIPAL

Affidavit Text SECT 15. SECT 8 (6-YR).

Live/Dead Indicator LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE/ DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)
[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Apr 29 04:05:46 EDT 2011

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [BOTTOM](#) [HELP](#)
[Logout](#) Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TARR Status](#)[ASSIGN Status](#)[TDR](#)[TTAB Status](#)

(Use the "Back" button of the Internet Browser to return to TESS)

**Goods and Services**

IC 035. US 100 101 102. G & S: Mail, telephone, and online ordering services featuring books in printed and digital format, audiobooks, pre-recorded music, and pre-recorded audiovisual works; providing information pertaining to applicant's business via a global computer network. FIRST USE: 19560000. FIRST USE IN COMMERCE: 19560000

IC 038. US 100 101 104. G & S: PROVIDING ON-LINE ELECTRONIC BULLETIN BOARDS FOR TRANSMISSION OF MESSAGES AMONG COMPUTER USERS CONCERNING BOOKS, AUDIOBOOKS, AUTHORS, FILMS, TELEVISION PROGRAMS, AND PUBLISHING. FIRST USE: 19980500. FIRST USE IN COMMERCE: 19980500

IC 041. US 100 101 107. G & S: Providing information via a global computer network pertaining to educational curriculum programs and materials, films, television programs, instructional activities, and publishing; providing online games and contests; providing information via a global computer network pertaining to books in printed and digital format, audiobooks, authors, music, pre-recorded audiovisual works and magazines; publishing services, namely, publication of books in tangible print and digital copies and through electronic delivery; publication [and] * of * audiobooks, pre-recorded music, and pre-recorded audiovisual works. FIRST USE: 19400000. FIRST USE IN COMMERCE: 19400000

IC 042. US 100 101. G & S: providing information via * a * global computer [networks] * network * pertaining to computer software. FIRST USE: 19950000. FIRST USE IN COMMERCE: 19950000

Mark Drawing Code

(2) DESIGN ONLY

Design Search Code

03.15.15 - Penguins; Puffins

Serial Number

76333016

Filing Date

November 2, 2001

Current Filing Basis

1A

Original Filing Basis

1A

Published for Opposition

December 3, 2002

Change In Registration

CHANGE IN REGISTRATION HAS OCCURRED

Registration Number

2690236

Registration Date

February 25, 2003

Owner

(REGISTRANT) PENGUIN BOOKS LIMITED CORPORATION UNITED KINGDOM Bath Road Harmondsworth Middlesex ENGLAND UB7 ODA

Attorney of Record

Ronald S. Kadden

Prior Registrations

0557412;2034691;AND OTHERS

Type of Mark

SERVICE MARK

Register

PRINCIPAL

Affidavit Text

SECT 15. SECT 8 (6-YR).

Live/Dead Indicator

LIVE

[TESS HOME](#) [NEW USER](#) [STRUCTURED](#) [FREE FORM](#) [BROWSE DICT](#) [SEARCH OG](#) [TOP](#) [HELP](#)
[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)



United States Patent and Trademark Office

[Home](#) [Site Index](#) [Search](#) [FAQ](#) [Glossary](#) [Guides](#) [Contacts](#) [eBusiness](#) [eBiz alerts](#) [News](#) [Help](#)

Trademarks > Trademark Electronic Search System (TESS)

TESS was last updated on Fri Apr 29 04:05:46 EDT 2011

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[BOTTOM](#)[HELP](#)[Logout](#)

Please logout when you are done to release system resources allocated for you.

Record 1 out of 1

[TARR Status](#)[ASSIGN Status](#)[TDR](#)[TTAB Status](#)

(Use the "Back" button of the Internet Browser to return to TESS)



Goods and Services

IC 009. US 021 023 026 036 038. G & S: audio [and video] tapes, [phonographic records, compact, audio and video discs and motion picture films] featuring music, dramatic works, books read aloud, poems, stories, novels, literary works, films, documentaries or television programs; books encoded in film/fiche form; audio [and video] recordings featuring music, spoken word, animation or dramatic works, pre-recorded audio [and video] cassettes and cartridges featuring music, dramatic works, books read aloud, poems, stories, novels, literary works, films, documentaries or television programs; computer software for instructional and educational purposes, [for animated interactive multimedia stories, for] studying, [for time-scheduling,] for screen savers, for reading text-on-screen, for electronic books [and computer utility software]

(CANCELLED) IC 028. US 022 023 038 050. G & S: [computer programs for games and for entertainment]

Mark Drawing Code

(2) DESIGN ONLY

Design Search Code

03.15.15 - Penguins; Puffins

Serial Number

74435477

Filing Date

September 13, 1993

Current Filing Basis

44E

Original Filing Basis

1B;44D

Published for Opposition

May 28, 1996

Change In Registration

CHANGE IN REGISTRATION HAS OCCURRED

Registration Number

2034691

Registration Date

February 4, 1997

Owner

(REGISTRANT) Penguin Books Limited COMPANY UNITED KINGDOM 80 THE STRAND LONDON WCR2 ORL ENGLAND

Attorney of Record

RONALD E SHAPIRO

Priority Date

March 15, 1993

Prior Registrations

0557412

Type of Mark

TRADEMARK

Register

PRINCIPAL

Affidavit Text

SECT 15. PARTIAL SECT 8 (6-YR). SECTION 8(10-YR) 20070419.

Renewal

1ST RENEWAL 20070419

Live/Dead Indicator

LIVE

[TESS HOME](#)[NEW USER](#)[STRUCTURED](#)[FREE FORM](#)[BROWSE DICT](#)[SEARCH OG](#)[TOP](#)[HELP](#)
[HOME](#) | [SITE INDEX](#) | [SEARCH](#) | [eBUSINESS](#) | [HELP](#) | [PRIVACY POLICY](#)